

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Phoebe Lee,
Plaintiff,

v.

John Does #1-3,
Defendants.

CASE NO. 2:23-cv-02008

ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION FOR EXPIDITED DISCOVERY

Before the Court is Plaintiff's *ex parte* Motion for Expedited Discovery. Dkt. # 4. Plaintiff alleges that three unknown actors, John Does # 1–3, defrauded her and “scammed and misappropriated” her cryptocurrency. Dkt. # 3 at 1. Plaintiff says she does not know the identities of the people who allegedly defrauded her. Dkt. # 4 at 4. Plaintiff says she hired a cryptocurrency investigator, who traced her money to multiple accounts at two cryptocurrency exchange platforms, Binance and OKX. *Id.* According to Plaintiff, the investigator was unable to discover the names or contact information of the owners of the identified accounts. *Id.* at 5, 10. Plaintiff now seeks an order for expedited discovery to subpoena Binance and OKX, who are not parties to this case, to learn the identities of the John Does to serve them with process.

1 For the reasons laid out below, the Court GRANTS IN PART and DENIES IN PART Plaintiff's
2 motion.

3 A court may authorize expedited discovery before the parties have conferred under Rule
4 26(f) when "the moving party demonstrate[s] that 'good cause' exists to deviate from the
5 standard pretrial schedule." *Amazon.com, Inc. v. Yong*, No. 21-cv-170, 2021 WL 1237863, at *1
6 (W.D. Wash. Apr. 2, 2021). "Courts routinely permit early discovery for the limited purpose of
7 identifying 'Doe' defendants on whom process could not otherwise be served." *Music Grp.*
8 *Macao Com. Offshore Ltd. v. John Does I-IX*, No. 14-cv-621, 2014 WL 11010724, at *1 (W.D.
9 Wash. July 18, 2014); *see also Wakefield v. Thompson*, 177 F.3d 1160, 1163 (9th Cir. 1999)
10 ("[W]here the identity of the alleged defendant[] is not [] known prior to the filing of a
11 complaint[,], the plaintiff should be given an opportunity through discovery to identify the
12 unknown defendants, unless it is clear that discovery would not uncover the identities, or that the
13 complaint would be dismissed on other grounds." (quoting *Gillespie v. Civiletti*, 629 F.2d 637,
14 642 (9th Cir. 1980))).

15 Good cause exists "where the need for expedited discovery, in consideration of the
16 administration of justice, outweighs the prejudice to the responding party." *Amazon.com, Inc. v.*
17 *XFYF*, No. 22-cv-841, 2022 WL 16856964, at *1 (W.D. Wash. Oct. 21, 2022) (quoting *Semitool,*
18 *Inc. v. Tokyo Electron Am., Inc.*, 208 F.R.D. 273, 276 (N.D. Cal. 2002)). Diligence and the
19 intent of the moving party are the most important factors. *Amazon.com, Inc. v. Yong*, 2021 WL
20 1237863, at *1.

21 Plaintiff has apparently diligently sought to discover the identities of Does #1–3 by hiring
22 a cryptocurrency investigator, who identified specific accounts to which her money was
23 transferred. Dkt. # 4 at 10. The identities of the individuals who control these accounts is not
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1 public knowledge, so without expedited discovery Plaintiff will be unable to learn the identities
2 of Does # 1–3 and will lose any opportunity to recover from the alleged fraud.

3 Plaintiff’s request for the names and contact information of the account holders that
4 Plaintiff’s investigator has identified is narrowly tailored to seek only the information relevant at
5 this early stage of litigation—the identities of Does #1–3. *See Amazon.com Inc. v. Kitsenka*, No.
6 22-cv-1574, 2023 WL 3902911, at *3 (W.D. Wash. May 22, 2023) (finding “good cause” where
7 the Plaintiffs sought information from bank accounts “for the purpose of identifying the
8 individuals connected to those accounts”).

9 But Plaintiff’s request for information beyond the identities and contact information of
10 the account holders is overbroad at this stage of litigation. *See* Sections 2–6 of the proposed
11 subpoenas, Dkt # 4 at 16, 20. Plaintiff argues that she needs this information to prevent
12 Defendants from transferring the money to an unreachable account, and thus losing access to her
13 money forever. Dkt. #4 at 6. While this is an important interest, at this early stage of the
14 litigation the potential harm to Defendants of exposing all their account balances, other
15 information, and communications with OKX and Binance outweighs the risk of loss to Plaintiff.
16 The factors may weigh in favor of expedited discovery after Defendants have responded to the
17 complaint.

18 The Court GRANTS IN PART Plaintiff’s motion, permitting discovery on the identities
19 of the account owners and their contact information, including addresses, telephone numbers and
20 any other identifying details, as well as any other individuals associated with the accounts (as
21 laid out in Section 1 of the Subpoena Rider, Dkt # 4 at 16, 20). The Court DENIES IN PART
22 Plaintiff’s motion as it pertains to seeking expedited discovery of 1) documents regarding
23 funding sources into and out of the accounts, 2) transaction logs of the accounts, 3) internal
24 documents from OKX and Binance pertaining to the accounts, 4) communications between the

1 OKX and Binance and the account holders, and 5) communications between OKX and Binance
2 and third parties (as laid out in Sections 2–6 of the Subpoena Rider, Dkt # 4 at 16, 20).

3 Dated this 10th day of January, 2024.

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5 John H. Chun
6 United States District Judge
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